



# PUBLIC NOTICE

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Released: September 26, 2000

**RBOC/GTE Payphone Coalition Files Proposal for Setting Payphone Compensation for Interim Period in Pay Telephone Reclassification and Compensation Proceeding**

**CC Docket No. 96-128,  
Pleading Cycle Established**

FILED  
OCT 2 11 39 AM '00  
FCC MAIL SECTION

**COMMENTS DUE DATE: October 20, 2000**  
**REPLY COMMENTS DUE DATE: October 31, 2000**

In a series of orders, the Commission has promulgated payphone service regulations to implement section 276 of the 1996 Telecommunications Act.<sup>1</sup> This includes a system of per-call compensation to ensure that every payphone service provider receives fair compensation for each payphone call. However, the per-call compensation plan did not take effect immediately. Instead, the Commission instituted an interim compensation plan to cover the period beginning November 7, 1996 through October 6, 1997 (the Interim Period) that required carriers to pay a per-payphone amount.

By letter dated August 8, 2000, the RBOC/GTE Payphone Coalition (the Coalition) submitted a proposal to resolve outstanding issues related to payphone compensation for the Interim Period.<sup>2</sup> According to the Coalition, each carrier would pay to each payphone service provider, for the period beginning November 7, 1996 through October 6, 1997, on a per-payphone basis, an amount equal to the per-call compensation obligation incurred for that particular payphone during the corresponding per-call compensation period in 1998. The Coalition proposes that the compensation obligation would be based on a rate of \$0.24. To the extent a carrier has made payments previously for the period beginning November 7, 1996 through October 6, 1997 to a particular payphone service provider, the amount of those previous payments would be credited towards satisfying the carrier's compensation obligation to that particular payphone service provider. The Coalition proposes that for payphones that were in service for any time during the period beginning November 7, 1996 through October 6, 1997, but that were removed from service after October 6, 1997, a carrier would be required to pay compensation based on the carrier's overall average per-payphone payment.

<sup>1</sup> See *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, *First Report and Order*, 11 FCC Rcd 20541 (1996); *Order on Reconsideration*, 11 FCC Rcd 21233 (1996), *aff'd in part and remanded in part sub nom. Ill. Pub. Telecomm. Ass'n v. FCC*, 117 F.3d 555 (D.C. Cir. 1997), *cert. denied sub nom. Va. State Corp. Comm'n v. FCC*, 523 U.S. 1046 (1998); *Second Report and Order*, 13 FCC Rcd 1778 (1997), *aff'd in part and remanded in part sub nom. MCI v. FCC*, 143 F.3d 606 (D.C. Cir. 1998); *Third Report and Order and Order on Reconsideration of the Second Report and Order*, 14 FCC Rcd 2545 (1999), *aff'd sub nom. Am. Pub. Communications Council v. FCC*, 215 F.3d 51 (D.C. Cir. 2000).

<sup>2</sup> Letter from Michael K. Kellogg, Counsel to the RBOC/GTE Payphone Coalition, to William E. Kennard, Chairman, Federal Communications Commission, August 8, 2000, CC Docket No. 96-128.

We invite interested parties to file comments on the Coalition's proposal. Initial comments may be filed no later than October 20, 2000. Reply comments may be filed no later than October 31, 2000. When filing comments, reference CC Docket No. 96-128.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd 11322 (1998). Comments through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and five copies of all comments and reply comments. Paper comments and reply comments must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 - 12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with International Transcription Services (ITS), the Commission's duplicating contractor, at its office at 1231 20th Street, N.W., Washington, D.C. 20036. One copy must be filed also with the Chief, Competitive Pricing Division, Common Carrier Bureau, 445 - 12th Street, S.W., Room 5-A225, Washington, D.C. 20554.

For further information, contact Lynne Milne, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1520, TTY (202) 418-0484.

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